

Appl. No. 09/982,345  
Resp./Amdt. dated May 24, 2005  
Reply to Office Action of Mar. 2, 2005

Remarks/Arguments

There are no amendments to the specification or the drawings herein.

In the Claims, Claims 1-29 are pending. Claims 1-29 are rejected.  
Reconsideration is respectfully requested.

Claims 27, 28 and 29 are cancelled without prejudice herein.

Claims 1, 9, 13, 14, 15, 21 and 24 are amended herein. Support for the amendment to Claim 1 is found at least in Claim 13, as originally filed. Claim 9 is amended to clarify the intended subject matter thereof with support being found at least in Claim 9, as originally filed. Claim 13 is amended to better correspond with amended Claim 1. Claim 14 is amended to correct a minor typographical error. Support for the amendment to Claim 15 is found at least in Claim 14, as originally filed. Support for the amendment to Claim 21 is found at least in Claim 24, as originally filed. Claim 24 is amended to better correspond with amended Claim 21. No new matter is added. Entry and consideration of the amendments are respectfully requested.

New Claims 30-33 are added herein. Support for new Claim 30 is provided at least by Claims 21 and 26, as originally filed. Support for new Claim 31 is provided at least by Claim 26, as originally filed. Support for new Claim 32 is provided at least by Claim 18, as originally filed. Support for new Claim 33 is provided at least by Applicant's specification, Page 11, lines 10-12 and lines 20-24, as originally filed. No new matter is added. Entry and consideration of new Claims 30-33 are respectfully requested.

The Examiner rejected Claims 1-29 under 35 U.S.C. 102(e) as being anticipated by Bhat, U. S. Patent Application Publication 2002/0073314 A1 (hereinafter 'Bhat').

Applicant respectfully traverses the rejection on the grounds that a *prima facie* case of anticipation with respect to Bhat has not been established. In particular, Applicant submits that Bhat fails to disclose, explicitly or implicitly, "each element of the claim under consideration" (*W.L. Gore & Associates v. Garlock*, 721 F.2d 1540,

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220 USPQ 303 (Fed. Cir. 1983)) and/or that Bhat fails to disclose the claimed elements "arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)), as required by the Federal Circuit for *prima facie* anticipation under 35 U.S.C. 102.

Bhat discloses a system and method for identifying lost electronic devices. In particular, Bhat discloses, "providing ownership identification information of lost electronic devices, such as portable computers, personal data assistants (PDAs) and/or mobile telephones" wherein "ownership identification indicia of the device" is "displayed [on a graphical user interface of the device] when the device is lost" (Bhat, Abstract, lines 1-4, lines 7-9, and lines 13-14). Referring to Figure 1 and paragraph [0019], Bhat discloses, "the electronic device includes an information mechanism 112, such as an information button", the information mechanism being "adapted to display the ownership indicia on the display 114 of the electronic device when it's selected". Bhat further discloses including a "security module 116" that "provides protected access to data stored 117 on the electronic device 110 by locking out unauthorized access to the data 117" (Bhat, Para. [0020]). The security module when coupled to an operating system of the device, "automatically locks out unauthorized access to the electronic devices 208, 210 by requiring username and/or password information every time the electronic devices 208, 210 are started or when the information button 212 is selected" (Bhat, Para. [0025]).

However, Bhat fails to disclose, or even suggest, each element of Applicant's claims, contrary to the Examiner's contention. For example, regarding Applicant's base Claim 1, as amended herein, Bhat does not disclose at least "wherein when the electronic device is disabled, a shutdown process switches the electronic device to an OFF state", as recited therein. In fact, Bhat never discloses shutting down the device when the electronic device is disabled. Instead, Bhat merely discloses "locking out unauthorized access to data 117", which may be accomplished *without* shutting down the device, as one skilled in the art can readily attest. Since Bhat is silent on shutting down the device in order to lock out unauthorized access to data, Bhat fails to disclose that recited in Applicant's Claim 1, as amended herein.

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Regarding base Claim 15, as amended herein, Bhat does not disclose at least "the return-to-owner information being displayed one or both of periodically after disablement and when a sensor in the electronic device detects a perturbation of the electronic device", as recited therein. In fact, the only disclosure in the teachings of Bhat regarding when ownership information or indicia is displayed involves selecting the information mechanism 112 (i.e., pressing the information button 212) (see Bhat, at least para. [0019], for example). Nowhere in that disclosed by Bhat is there even any suggestion that the information may be displayed without pressing the information button 212. Moreover, Bhat certainly never discloses one or both of periodically displaying the information or displaying the information pursuant to a sensed perturbation of the device. Since Bhat is silent on displaying owner information *other than* by selecting the information mechanism 112, Bhat fails to disclose that recited in Applicant's Claim 15, as amended herein.

Regarding base Claim 21 as amended herein, Bhat fails to disclose an electronic device that comprises at least "a perturbation sensor", as recited therein. In particular, Bhat does not disclose including such a sensor in the electronic device. Moreover, Bhat never discloses, and never suggests, using means other than the information mechanism 112, defined as a "button clearly located on the electronic device 110" for activating or precipitating a display of ownership indicia (see Bhat, para. [0019], for example). Since Bhat is silent on including a perturbation sensor, and fails to disclose or suggest displaying owner information *other than* by selecting the information mechanism 112, Bhat fails to disclose that recited in Applicant's Claim 21, as amended herein.

Regarding new base Claim 30, Bhat at least fails to disclose an electronic device that, when disabled by a security lockout, initiates a shutdown process and switches itself to an OFF state.

Therefore, as discussed hereinabove, the teachings of Bhat at least lack a disclosure of one or more elements recited separately in each of Applicant's base Claims 1, 15 and 21, as amended herein, and Applicant's new base Claim 30. In addition, Bhat fails to disclose the respective claimed elements "arranged as in the

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claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.* cited *supra*). As such, Applicant respectfully submits that it cannot be shown that there is essentially "no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention", as required by the Federal Circuit to support a rejection under 35 U.S.C. 102. *Scripps Clinic & Research Found. V. Genentech Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). Hence, Applicant respectfully submits that the Examiner has failed to establish *prima facie* anticipation by Bhat of at least the base Claims 1, 15, 21 and 30. Reconsideration and withdrawal of at least the rejection of base Claims 1, 15 and 21 under 35 U.S.C. 102(e) with respect to Bhat are respectfully requested for lack of evidentiary support of *prima facie* anticipation.


Moreover, rejected Claims 2-14 are ultimately dependent from and include all of the limitations of base Claim 1. Rejected Claims 16-20 are ultimately dependent from and include all of the limitations of base Claim 15. Rejected Claims 22-26 are ultimately dependent from and include all of the limitations of base Claim 21. New Claims 31-33 are dependent from and include all of the limitations of new base Claim 30. A lack of evidentiary support for *prima facie* anticipation of base Claims 1, 15, 21 and 30, is a lack of evidentiary support for to establish *prima facie* anticipation by Bhat of dependent Claims 2-14, 16-20, 22-26 and 31-33 for at least the same reasons set forth above for respective to the base claims. Applicant respectfully requests that the Examiner further withdraw the unsupported rejection of dependent Claims 2-14, 16-20 and 22-26 under 35 U.S.C. 102(e) with respect to Bhat.

In summary, Claims 1-29 are pending and Claims 1-29 were rejected. Claims 27-29 are cancelled herein without prejudice. Claims 1, 9, 13, 14, 15, 21 and 24 are amended herein and new Claims 30-33 are added. In light of the discussion hereinabove, Applicant respectfully submits that remaining Claims 1-26, as amended herein, as well as new Claims 30-33, are in condition for allowance. Applicant respectfully requests that Claims 1-26 and Claims 30-33 be allowed and that the application be passed to issue at an early date.

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Should the Examiner have any questions regarding the above, please contact the undersigned, J. Michael Johnson, at telephone number (775) 849-3085.

Respectfully submitted,  
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

 5/24/05  
J. Michael Johnson Date

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